Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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SECURITY ASSURANCES: A SOUTH AFRICAN PERSPECTIVE

Working paper submitted by South Africa

1. INTRODUCTION

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that:

> "Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States part to the Treaty against the use or threat of use of nuclear weapons. Theses steps could take the form of an internationally legally binding instrument."

The 1990 Nuclear Non-Proliferation Treaty Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which while the document as a whole did not achieve agreement was consensus language, that:

> "The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those parties to the Treaty, in such an instrument would contribute to ensuring its

maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that:

> "There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

2. SOUTH AFRICAN PERSPECTIVE

At the 1997 meeting of this Preparatory Committee South Africa proposed that the PrepCom should decide to take up the work on security assurances envisaged in the "Principles and Objectives", with a view to completing this work before the year 2000 so as to make a recommendation to the Review Conference.

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT. Security assurances rightfully belong to those who have given up the nuclear weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions which would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally

binding instrument on security assurances; and

- In what format such security assurances would be provided.

4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX(3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear weapon-State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES

United Nations Security Council Resolution 984(1995), acknowledges the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances. This legitimate interest of all of the NPT's non-nuclear-weapon States is further acknowledged in the statements (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) made by each of the nuclear-weapon States on the issue of security assurances.

6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of the non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances which rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon-States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN A INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.

- The identification of the States providing the security assurances.

- The identification of the States beneficiary of the security assurances.

- Any qualifications to the security assurances provided for in the instrument.

- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear-weapons.

- Provisions for assistance to be provided to a beneficiary of the security assurances attacked or threatened by the use of nuclear-weapons.

8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the Nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these

assurances should only be granted in the context of nuclear-weapon-free zones, are not valid. The primary undertaking not to aspire to nuclear-weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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INPUT FOR POSSIBLE REVISED CHAIR'S WORKING PAPER

Working paper submitted by Canada

States Party to the NPT, reaffirming their commitment to assuring that the purposes of the Preamble and the provisions of the treaty are fully realized, and their decision to strengthen the Review Process to that end agree on the following points:[1]

Chapeau

Reaffirmation of commitment to the preamble and the articles of the Treaty.[paragraph 3: agreed text]

Reaffirmation of commitment to efforts designed to promote the full realization and effective implementation of the provisions of the Treaty, as well as reaffirmation of the decisions on principles and objectives for nuclear non-proliferation and disarmament and on strengthening the review process for the Treaty as well as the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.[paragraph 3: agreed text]

- Reaffirmation of the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.[paragraph 4: amended]

- Reaffirmation that the integrity of the Treaty is essential to international peace and security.[paragraph 4: amended]

- Reaffirmation of the necessity for full compliance with the Treaty.[new text]

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1 Note: 'Paragraph 3' and 'paragraph 4' refer to paragraphs 3 and 4 of the Chairman's Working Paper, as contained in Annex II of the Report of the Preparatory Committtee on its first session. (NPT/CONF.2000/PC.I/32, 18 April 1997)

The resolution on the Middle East

- Recognition of the value of universality of the NPT.[new text]

- Recognition of the value of nuclear-weapon-free zones in other regions and and the value of lessons in achieving them for progress toward university of the NPT.[new text]

- Emphasize the vital importance of all States Parties in the region implementing all obligations under the NPT.[new text]

- Emphasize the importance of renewed progress on the Middle East peace process and recognize that the Arms Control and Regional Security (ACRS) process is a useful forum for the discussion of a nuclear-weapon-free zone in the Middle East.[new text]

- Call upon States in the region to place all unsafeguarded nuclear facilities under full-scope IAEA safeguards as an important confidence-building measure among all States of the region and as a step towads enhancing peace and security.[new text]

- Recognize confidence-building measures taken by states in the Middle East could be important steps toward the establishment of a nuclear-weapon- free zone in that region; examples of confidence-building measures include: mutual visits to safeguarded facilities, information sharing, and cooperative technical evaluations of a regional verification regime, regional cooperation on nuclear safety and/or nuclear waste management issues as a step toward the establishment of a nuclear-weapons-free zone in the Middle East.[new text]

- Encourage creation of a laboratory for safeguards purposes in the Middle East as a step toward the creation of a regional verification system.[new text]

(i) Universality

Urgency and importance of achieving the universality of the Treaty; welcome for the eight new accessions to the Treaty since 1995, bring the number of States parties to 186; urgency for all States not yet party to the Treaty to accede to the Treaty at the earliest possible date, particularly those States that operate unsafeguarded nuclear facilities.[paragraph 3: agreed text]

(ii) Main Committee I issues

Non-Proliferation

Reaffirmation that every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.[paragraph 3: agreed text]

Nuclear Disarmament

The importance of all States to make every effort to promote the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty, in accordance with article XIV of that Treaty.[paragraph 3: agreed text]

Reaffirmation of the need for immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.[paragraph 3: agreed text]

Recognition of the progress in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the START process, as steps towards nuclear disarmament; reaffirmation of the commitment by the nuclear-weapon States to the determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons and of the commitment by all States to the achievement of general and complete disarmament under strict and effective international control.[paragraph 3: agreed text]

- Reaffirmation of the commitment by the nuclear-weapon States to systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons.[paragraph 4: amended]

- Reaffirmation of support for progress made in nuclear weapons reductions by the nuclear-weapon States, including those made unilaterally or bilaterally under the START Process, as steps towards nuclear disarmament.[new text]

- Confirmation by States Parties of their expectation that the START Process as currently defined by the United States of America and the Russian Federation will be pursued energetically and diligently, beginning with the earliest possible ratification and entry-into-force of START II.[paragraph 4: amended]

- Recognition of the importance of progress in measures related to tactical nuclear weapons and nuclear-armed SLCMs, including confidence-building and transparency measures, as called for by the USA and the Russian Federation in the Helsinki "Joint Statement on Parameters on Future Reductions in Nuclear Forces".[paragraph 4: amended]

- Affirmation of the necessity for the current bilateral nuclear-weapon reductions process, as it progresses beyond START II, to be expanded to engage the other three nuclear-weapon States parties to the Treaty.[paragraph 4: amended]

- Recognition of the desirability of actively pursuing steps towards greater transparency in nuclear weapons and weapon-usable material matters.[new text]

- Reaffirmation by the nuclear-weapon States that the cessation of all nuclear weapon test explosions and all other nuclear explosions constrains the development and qualitative improvement of nuclear weapons and ends the development of advanced new types of weapons, thereby consisting an effective measure of nuclear disarmament and non-proliferation in all its aspects.[paragraph 4: amended]

- Reaffirmation of the vital importance of all States signing and ratifying the CTBT as soon as possible.[paragraph 4: amended]

- Urging the nuclear-weapon States, as a confidence building measure, to report individually and on a regular basis to the CD and the NPT Prepcom on the steps they have taken toward fulfilling their article VI commitments.[new text]

- Affirmation of support for the proposal in the CD of an Ad Hoc Committee on Nuclear Disarmament for the substantive discussion of nuclear disarmament issues with a view to identifying if and when one or more such issues might be negotiated multilaterally.[paragraph 4: amended]

- Recognition of the FMCT obligation in the P&O's document.[new text]

- Affirmation by the nuclear weapon States of a moratorium of the production of fissile material for nuclear weapons on other nuclear explosive devices, pending conclusion of an FMCT.[paragraph 4: amended]

- Recognition by the nuclear weapon States that greater transparency of, and continuing steps to reduce, their nuclear weapons usable fissile material stockpiles should be pursued energetically.[paragraph 4: amended]

- Welcoming any steps which could move the FMCT negotiation forward, including the establishment of a committee to discuss technical questions related to an FMCT, including, but not limited to, verification, implementation, and existing stocks.[new text]

- Urging the nuclear weapons States to take further steps to increase transparency of activities related to military stockpiles of fissile materials. We urge the NWS to take the following steps:

  1) increase the amount of military fissile material declared excess, and put this material under permanent safeguards;

2) declare the amount of fissile material dedicated to military (weapon or naval propulsion) use, and the amount declared excess;

3) declare the forms in which military fissile materials are held, and their manner of storage; and

4) provide information about status and location of facilities involved in HEU production and PU separation.[new text]

- Urging the nuclear weapon States to ascertain their total holdings of fissile material for nuclear explosive and naval propulsion purposes.[new text]

- Affirmation that all production of fissile material for nuclear weapons purposes has ceased, and commitment to declare all facilities related to fissile material production for nuclear weapon purposes.[new text]

Nuclear Weapon Free Zones

Welcome for the steps taken to conclude further nuclear-weapon-free-zone treaties since 1995 and reaffirmation of the conviction that the establishment of internationally recognized nuclear-weapon-free zones freely arrived at among the States concerned enhances global and regional peace and security.[paragraph 3: agreed text]

Recognition of the importance attached by signatories and States parties to the Treaties of Tlatelolco, Rarotonga, Pelindaba and Bangkok to establishing a mechanism for cooperation among their respective Treaty agencies.[paragraph 3: agreed text]

Security Assurances

Reaffirmation of the view that further steps, which could take the form of an international legally binding instrument, should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons.[paragraph 3: agreed text]

Peaceful Nuclear Explosions

- Reaffirmation that the provisions of Article V of the Treaty with regard to peaceful applications of nuclear explosions are to be interpreted in the light of the CTBT, and in particular of Article VII of that Treaty.[paragraph 4: amended]

(iii) Main Committee II issues

Safeguards

Welcome for the conclusion of negotiations on the IAEA 93+2 programme to strengthen the effectiveness and improve the efficiency of the Agency's safeguards system and expectation that IAEA will endorse that outcome at its special session in May; reaffirmation that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements.[paragraph 3: agreed text]

- Urge every State Party to the Treaty on the Non-Proliferation of Nuclear Weapons which has not already done so to bring into force a comprehensive Safeguards Agreement with the International Atomic Energy Agency (IAEA) pursuant to Article III of the Treaty. Also urge States not party to the Treaty to enter into comprehensive Safeguards Agreements with the IAEA.[paragraph 4: amended]

- States strongly support the development and implementation of the Safeguards System so as to strengthen the safeguards regime by improving its effectiveness and efficiency and also strongly support ongoing efforts to meaningfully integrate the new safeguards measures arising from Part 1 of Programme 93+2 and the model Protocol with elements of the existing system.[new text]

- Applaud the May 1997 decision of IAEA Board of Governors to approve the text of the Model Protocol to existing Safeguards Agreements (93+2 Programme, Part II).[new text]

- Urge all states with Safeguards Agreements with the IAEA to conclude as quickly as possible an Addditional Protocol to their respective Safeguards Agreement(s), pursuant to INFCIRC/540.[new text]

- Calls upon the nuclear-weapons States to make arrangements within the framework of the voluntary safeguards agreements to place permanently under IAEA safeguards nuclear material transferred from military uses to peaceful activities.[paragraph 4: amended]

- Urge all states to adopt the IAEA's recommendations on the physical protection of nuclear material, currently set forth in INFCIRC-225rev3.[paragraph 4: amended]

- Urge all States parties that are parties to the Convention on the Physical Protection of Nuclear Materials to undertake a review of the Convention at the earliest possible time, with the goal of determining the adequacy of the current regime and extending the Convention if required.[paragraph 4: amended]

Export Controls/Transparency

- Recognition that national nuclear export controls are an essential element of an effective national nuclear non-proliferation regime and are a means for States Parties to seek to ensure that their nuclear exports do not contribute to nuclear proliferation and thereby fulfil their obligations under the Treaty. By so doing, they contribute to a climate of confidence in the trade in nuclear items that encourages and facilitates international nuclear cooperation in pursuit of economic and technological development.[new text]

- Urge transparency in nuclear-related export controls within the framework of dialogue and cooperation among interested States Party to the NPT. The October 7-8, 1997 International Seminar on the Role of Export Controls in Nuclear Non-Proliferation in Vienna was a positive step in this regard. Express support for the development of other initiatives aimed at furthering this objective.[new text]

(iv) Main Committee III issues

Peaceful Use of Nuclear Energy

Reaffirmation of commitment to continue to take further steps for the full realization of the relevant provisions of the Treaty, taking into account the undertakings in the principles and objectives on the peaceful use of nuclear energy.[paragraph 3: agreed text]

Reaffirmation that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.[paragraph 3: agreed text]

- Recognition that nuclear energy can be a safe, environmentally sound and cost-effective source of energy for those states that choose to include it in their mix of energy sources.[new text]

- Recognition that bilateral nuclear cooperation agreements can be effective instruments for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.[paragraph 4: amended]

Nuclear Safety

- Recognition of the importance of signing, ratifying and implementing the Convention on Nuclear Safety. Call upon all states to participate actively in the implementation of the Convention. States also look forward to the first meeting of the Conference of the Contracting Parties in 1999, and the peer review of National Reports, as an essential element of that process.[paragraph 4: amended]

- Recognition of the importance of working actively to implement the provisions of the International Maritime Organization (IMO) Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on Board Ships (the INF Code).[paragraph 4: amended]

- Welcome the adoption by the IAEA of the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management and call on states to ratify the Convention in the near future.[paragraph 4: amended]

Physical Protection of Nuclear Material

- Welcome proposals for the international community, through the IAEA, to review international standards for the physical protection of nuclear material, both during international transit and while under national jurisdiction.[new text]

IAEA Technical Cooperation

- Continued support for the International Atomic Energy Agency's Technical Cooperation Fund and strongly supports broadening the bases of contributors.[new text]

  Support for the technical cooperation efforts undertaken by the IAEA and its Member States and, in particular, support for the new IAEA strategic goal to promote tangible socio-economic impact by contributing directly in a cost-effective manner to the achievement of the major sustainable development objectives of each country.[new text]

  Urges all Member States to contribute to the IAEA Technical Cooperation Fund (TCF) as a means of ensuring that resources are available for those IAEA technical cooperation activities financed through the TCF.[new text]

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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DRAFT STATEMENT ON CURRENT START STANDSTILL

Submitted by Canada

The States Parties present at the 1998 NPT PrepCom consider that the START process, a key element in systematic and progressive efforts toward the ultimate elimination of nuclear weapons, needs to be reinvigorated. While actual reductions in deployed nuclear weapons are taking place through the implementation of START I, START II is in limbo pending its ratification by the Russian Federation and the ratification by the Russian Federation and the United States of America of several associated agreements.

These States Parties recall the importance of States Parties' undertakings in the NPT and the 1995 decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament. These States Parties also recall recent resolutions by the UN General Assembly on this issue, including resolution 52/38 M, "Bilateral nuclear arms negotiations and nuclear disarmament" which, in particular, expressed satisfaction with the advice and consent of the Senate of the United States of America to START II, expressed hope that it will soon be possible for the Russian Federation to take corresponding steps to ratify the Treaty, and urged "the Russian Federation and the United States of America to commence negotiations on a START III agreement immediately after START II enters into force." These States Parties wish to emphatically confirm the importance of the START process to the continuing reduction of nuclear weapons and thereby to the strengthening of international security and stability.

These States Parties call on the Russian Federation to ratify START II as quickly as possible and call on both the Russian Federation and the United States of America to approve formally all agreements and undertakings associated with the ratification and implementation of START II.

These States Parties reiterate the importance of the Joint Statement on Parameters on Future Reductions in Nuclear Forces, signed by Presidents Clinton and Yeltsin on March 21, 1997, setting out parameters for a START III negotiation. That Statement demonstrates the continuing commitment by those two states to the process of nuclear weapons reductions through START II, START III and beyond. These States Parties urge the early implementation of that Statement at the lowest possible levels.

These States Parties also express the view that the process of negotiated nuclear weapons reductions and transparency measures should be expanded at an appropriate point in the near future to include all five nuclear-weapon States.

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LETTER DATED 28 APRIL 1998 FROM THE CHAIRMAN OF THE WORKING GROUP ON DISARMAMENT OF THE MOVEMENT OF NON-ALIGNED COUNTRIES ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

On behalf of the Group of States members of the Movement of Non-Aligned Countries and other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in my capacity as Chairman of the Working Group on Disarmament of the Movement of Non-Aligned Countries, I have the honour to enclose herewith the document entitled "Working Paper presented by the members of the Movement of Non-Aligned Countries parties to the Treaty" (see Annex). It contains various aspects related to the Treaty that are of paramount importance to the present and subsequent Preparatory Committee meeting as well as the 2000 Review Conference in the form of the NAM proposal of draft recommendation to be considered by the Preparatory Committee.

It would be highly appreciated if you could circulate the present letter and its Annex as an official document of the Preparatory Committee.

(Signed) Makarim WIBISONO

GE.98-60980

WORKING PAPER PRESENTED BY THE MEMBERS OF THE MOVEMENT OF NON-ALIGNED COUNTRIES PARTIES TO THE TREATY

The Non-Aligned Movement States parties to the Treaty on the Non-Proliferation of Nuclear Weapons believe, in terms of the strengthened review process and in the context of fully implementing the Treaty and in pursuant to the decisions and resolution adopted by the 1995 NPT Review and Extension Conference, that recommendations which have been deliberated upon throughout its preparatory process, should be forwarded to the Review Conference in 2000 for further refining, finalization and adoption.

We also believe that this kind of approach will strengthen the review process and will provide the basis for a successful outcome of the 2000 Review Conference. In this vein, the NAM proposes the following draft recommendations to be considered by the Preparatory Committee:

Preamble

1. The States Parties believe that the Treaty is a key instrument to halt vertical and horizontal proliferation of nuclear weapons and they will work towards a fair balance between the mutual obligations and responsibilities of the nuclear-weapon States and non-nuclear-weapon States with a view to achieving the complete elimination of nuclear weapons.

2. The States Parties undertake to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States Parties to the Treaty and they shall fulfill their commitments on the unimpeded and non-discriminatory transfer of materials, equipments, scientific and technological information for peaceful uses of nuclear energy to all States Parties without exception.

Article I

3. The States Parties agree that the strict observance of the terms of Article I remains central to achieving the shared objectives of preventing under any circumstances further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

4. The Nuclear-weapon States parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from, among themselves, with non-nuclear weapons states, and with States not party to the Treaty, nuclear sharing for military purposes under any kind of security arrangements.

5. The States Parties remain concerned about the ability of certain States not parties to the Treaty to obtain nuclear materials, technology and know-how to develop nuclear weapons. The States Parties call for the total and complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States non-parties to the Treaty without exception.

Article II

6. Non-nuclear-weapon States Parties to the NPT reaffirm their commitments to the fullest implementation of this Article and to refrain from nuclear sharing with nuclear-weapon States, non nuclear-weapon States, and States not party to the Treaty for military purposes under any kind of security arrangements.

Article III

7. The States Parties believe that the International Atomic Energy Agency is the competent authority to verify the compliance of the States Parties to the Non-Proliferation Treaty and reaffirm that IAEA safeguards are an essential element in guaranteeing compliance with their Article III undertakings. In this regard, all States Parties which have not yet done so should sign without delay the safeguards agreements required by Article III of the Treaty.

8. The States Parties call on the nuclear weapon States and all States not party to the Treaty to place their nuclear facilities under full-scope safeguards of IAEA.

9. The States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by any State Party should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate. Measures should be taken to ensure that the inalienable rights of all State Parties under the provisions of the preamble and articles of the Treaty are fully protected and that no state party is limited in the exercise of this right based on allegations of non-compliance not verified by the IAEA.

10. The States Parties support the principles that new supply arrangements for the transfer of source of special fissionable material or equipment or material specially designed or prepared for the processing, use or production of a special fissionable material to non-nuclear weapon States should require as a necessary precondition, acceptance by all States Parties of fullscope safeguards; and that excess nuclear material in military stockpiles and nuclear materials removed from nuclear weapons as a result of nuclear weapons reduction agreements should be placed under IAEA safeguards.

11. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety.

Article IV

12. The States Parties reaffirm their inalienable right to engage in research, production and use of nuclear energy for peaceful purposes without discrimination; and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes to all States Parties be fully ensured.

13. The States Parties reaffirm that beyond safeguards required under the Treaty, unilaterally enforced restrictive measures which prevent peaceful nuclear development should be removed.

14. The States Parties reaffirm the responsibility of nuclear supplier states parties to the Treaty to promote the legitimate needs of nuclear energy of the states parties to the Treaty, with preferential treatment rendered to developing ones, by allowing the latter to participate to the fullest in possible transfer of nuclear equipment, materials, scientific and technological information for peaceful purposes with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

15. The States Parties reaffirm the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2(4) of the United Nations Charter in considering that any attacks or threat of attack on nuclear facilities devoted to peaceful uses of nuclear energy would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants; and believe that they bear a solemn responsibility to continue to play a leading role towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

16. The States Parties encourage the adoption of appropriate measures to regulate international maritime transportation of radioactive waste and spent fuel to the highest standards in international security and support current efforts within the IAEA to adopt and improve international regulations in that regard.

Article V

17. The States Parties will take into account all the provisions of the CTBT related to this Article.

18. The States Parties call upon the nuclear-weapon states to refrain from conducting all types of tests in conformity with the objectives of the CTBT They also call upon nuclear-weapon states to provide transparency on-site and other measures to build confidence on the full implementation of the provisions of the Treaty in order to meet international concern.

19. The States Parties call upon all of the States which have not yet done so to sign and ratify the CTBT. Pending the entry into force of the CTBT, the States Parties called upon the nuclear-weapon states to comply with the letter and spirit of the CTBT.

Article VI

20. The States Parties note with regret that, despite the conclusion of limited agreements, the provisions of article VI and the ninth to twelfth preambular paragraphs of the Treaty have not been fulfilled since the Treaty came into force. In this regard, the States Parties stress the need to take effective measures towards nuclear disarmament, thus reaffirming their role in achieving this objective.

21. The States Parties reaffirm that nuclear weapons pose the greatest danger to mankind and to the survival of the civilization. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. In this context, the goal is the complete elimination of nuclear weapons. In the task of achieving the goal of nuclear disarmament, all States Parties bear responsibility, in particular those nuclear-weapon States which possess the most important nuclear arsenals.

22. The States Parties reaffirm that priority in disarmament negotiations shall be nuclear weapons in accordance with the Final Document of the first special session of the General Assembly on disarmament.

23. The States Parties reaffirm their commitment to fulfil with determination their obligations under article VI, in particular nuclear-weapon States to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.

24. The States Parties in particular the nuclear-weapon States shall inform the Secretary-General of the United Nations of the efforts and measures they have taken on the implementation of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

25. The States Parties call upon the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament taking into account all proposals which have been submitted

by members of the Group of 21, and to commence negotiations on a phased programme of nuclear disarmament and for the complete elimination of nuclear weapons with a specified framework of time, including a nuclear-weapons convention prohibiting the development, production, testing, employment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination.

26. The States Parties renew their call for the immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production and stockpiling of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measures of nuclear disarmament as well as non-proliferation of nuclear weapons taking into account the 1995 report of the Special Coordinator on that item and the views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.

27. The States parties regret the continuing lack of progress on items relevant to nuclear issues in the agenda of the Conference on Disarmament.

Article VII

28. The States Parties express support on measures taken by a State Party or Group of States Parties to conclude nuclear-weapon-free-zone treaties. They also support proposals to these zones in other parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the region concerned as a measure towards the strengthening of nuclear non-proliferation regime and realizing the objectives of nuclear disarmament. States Parties welcome the initiative taken by States in Central Asia freely arrived at among themselves to establish a nuclear-weapon free zone in that region.

29. The States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba that are parties to the NPT reaffirm their commitment to promote the common goals envisaged in those treaties, explore and implement further ways and means of cooperation, including the consolidation of the status of the nuclear-weapon-free southern hemisphere and adjacent areas.

Article VIII

30. The States Parties will continue their endeavors to strengthen the review process of the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty in their entirety are being realized.

Article IX

31 The States Parties reemphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. They will make determined efforts to achieve this goal.

Security Assurances

32. The States Parties reaffirm that total elimination of nuclear weapons is the only genuine guarantee for all non-nuclear-weapons states against the use or threat of use of nuclear weapons. Pending the achievement of such a goal, a legally-binding negative security assurances regime which will ensure the security of non-nuclear-weapon states against the use or threat of use of nuclear weapons must be urgently concluded. Hence, the States Parties should agree to negotiate, in the Preparatory Committee meetings for the NPT Review Conference in the year 2000 on a legal instrument to assure non-nuclear weapon states against the use of threat of use of nuclear weapons to be finally adopted by the 2000 NPT Review Conference as an annexed protocol to the NPT. They note the Ad-hoc Committee on NSA established by the Conference on Disarmament in 1998 to conclude an international legally-binding instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

The Resolution on the Middle East

33. The States Parties recall that the adoption of the Resolution on the Middle East by the 1995 Review and Extension Conference on 11 May 1995 constituted an integral part of the package of the 1995 outcome comprising three decisions and a Resolution, and as such they reaffirm their firm commitment to work towards the full implementation of that Resolution. In this regard, the States parties recognize the special responsibility of the depository states, as cosponsors of the 1995 Resolution on the Middle East.

34. The States Parties note that since the adoption of the 1995 Resolution on the Middle East, all states in the region have become parties to the Treaty, with the exception of Israel. The States parties stress the urgent need for Israel to accede to the Treaty without further delay and to place all its nuclear facilities under full scope IAEA safeguards, in order to enhance the universality of the Treaty and to avert the risk of nuclear proliferation in the Middle East.

35. The nuclear-weapon-states, in conformity with their obligations under Article I of the Treaty, solemnly undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly to Israel, and further undertake not in any way to assist, encourage, or induce Israel to manufacture or otherwise

acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices under any circumstances whatsoever.

36. All States Parties, in conformity with the seventh preambular paragraph and Article 4 of the Treaty, hereby declare their commitment to exclusively prohibit the transfer of all nuclear related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

37. The States parties reaffirm once again, their determination to extend their fullest cooperation and to exert their utmost efforts with a view to ensuring the early establishment in the Middle East a zone free of nuclear as well as all other weapons of mass destruction and their delivery systems.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on The Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/6
29 April 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

CLUSTER ONE

Working paper submitted by Japan

Practical aspects of nuclear disarmament

In pursuing nuclear disarmament, nuclear weapon States encounter various practical issues, and through greater familiarization with these practical issues, it is expected, the international community can deepen its understanding on how to proceed with nuclear disarmament.

First, the nuclear weapon States are invited to keep the international community informed of practical issues that the implementation of nuclear disarmament measures entails.

Nuclear disarmament measures are often costly, both in terms of nuclear weapons dismantlement and disposal, and in terms of ensuring the chain of custody which includes safe and secure transport and storage of fissile material as well as its control and accounting. Nuclear disarmament measures may also pose various technical challenges. For example, the management of surplus weapons plutonium may require the modification of existing technologies and perhaps also the development of new ones. Institutionally, there is need, for example, for national, regional and international coordination among national authorities to prevent the illicit trafficking of nuclear material. Furthermore, nuclear disarmament has a social dimension. It is necessary, for example, to accommodate the economic and intellectual needs of displaced scientists and engineers who had worked for nuclear weapons related industries.

Second, these nuclear weapon States are invited to explain the operational measures they have taken such as de-targeting their nuclear warheads and taking their nuclear forces off alert including the removal of nuclear warheads from delivery vehicles. These measures may enhance confidence, especially among the nuclear weapon States, themselves.

Nuclear weapon States are invited to offer such information in various fora, including the Conference on Disarmament and this strengthened Review Process for the NPT.

Japan, for its part, intends to request the Department of Disarmament of the United Nations Secretariat to consider allocating a session of the forthcoming United Nations Disarmament Conference in Nagasaki to be held in November this year, solely for the aforementioned issues of practical aspects of nuclear disarmament.

GE.98-61038

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF/2000/PC.II/7
29 April 1998

ENGLISH
Original: FRENCH

Second session
Geneva, 27 April-8 May 1998

CLUSTER ONE: NUCLEAR DISARMAMENT

Submitted by Switzerland

Proposals concerning elements for inclusion in the recommendations of the Preparatory Committee

New reductions

The recommendations should give strong encouragement to new and major reductions in the currently huge nuclear arsenals, and to the effective implementation of all the promises already made in this area. We have taken note of the various methods suggested for arriving at this goal. Negotiations among all States directly concerned and new unilateral initiatives seem to us to be the most promising approaches at this stage.

The irreversibility of nuclear disarmament

If they are to be truly effective and meaningful, practical measures taken in the field of nuclear disarmament must be irreversible.

This means that the reductions, whether embarked on through unilateral initiatives or under bilateral agreements, should not be restricted to removing warheads from missiles, but should also include destruction of the missiles, destruction of the warheads and the placing of fissile material under IAEA safeguards.

The end of vertical proliferation

The nuclear-weapon States should reaffirm that the ending of all nuclear-weapon explosions and all other nuclear explosions, as provided for under the Comprehensive Nuclear Test-Ban Treaty, restricts the development and qualitative improvement of nuclear weapons, thus putting a stop to the development of new types of arms and constituting an effective measure of disarmament and non-proliferation in all its aspects.

Tactical nuclear weapons

In future greater attention should be devoted to the problem of tactical nuclear weapons. By virtue of their low weight and small size, their sometimes less sophisticated safety mechanisms and their decentralized storage arrangements, some of these warheads, which are not at present covered by any binding legal instrument or any verification measure, pose a particularly high risk of proliferation. Such devices are easier to steal, and we consider that the risk of unauthorized use is by no means negligible.

We do welcome the various unilateral promises concerning their reduction and elimination, which were confirmed in particular in the joint statement made on 21 March 1997 by the Presidents of the United States of America and the Russian Federation concerning parameters relating to future reductions in nuclear forces.

However, we are not aware how far some of these announcements have been followed by practical action on the ground.

The parties to the NPT should therefore encourage all the States that possess tactical nuclear weapons to ensure that the same transparency prevails and the same confidence-building measures are accepted as in the case of strategic weapons.

In our view, there are no compelling reasons for linking the start of negotiations on tactical nuclear weapons to ratification of the START II treaty or the initiation of negotiations on START III.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/8
1 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

LETTER DATED 29 APRIL 1998 FROM THE HEAD OF THE DELEGATION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

I have the honour to transmit to you, on behalf of the delegations of China, France, the Russian Federation, the United States of America and my own, the attached statement.

I would be grateful if the necessary arrangements could be made for its distribution as a document of the Preparatory Committee.

(Signed) Ian Soutar
Ambassador
Permanent Representative to
the Conference on Disarmament

GE-98-61067

STATEMENT BY THE DELEGATIONS OF CHINA, FRANCE, THE RUSSIAN FEDERATION, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA

1. As the Nuclear Weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons, China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America believe it is appropriate and useful in connection with the Second Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty to express our shared views on issues relating to the implementation of the Treaty.

2. We welcome the fact that since the indefinite extension of the Treaty's duration on 11 May 1995, the Treaty has been strengthened by the almost universal adherence to it. It will be further strengthened when Brazil has implemented the declared and very welcome intention of its Government to accede to the Treaty at the earliest possible date.

3. It is the responsibility and obligation of all States to contribute to the relaxation of international tension and to the strengthening of international peace and security. We underscore the important and tangible progress achieved in the area of nuclear disarmament and reaffirm our determination to continue the pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

4. The opening for signature of the Comprehensive Nuclear Test Ban Treaty on 24 September 1996, and its signature on that day by all of us, was a major achievement by the international community. We strongly support the earliest ratification of the Treaty by all States, in particular by those whose ratification ensures its entry into force. To this end France and the United Kingdom have already ratified the Treaty. In addition we are all fully supporting the work of the Preparatory Commission for the Comprehensive Test Ban Treaty Organisation. We call upon all States to contribute to the success of this Treaty.

5. We also reaffirm our readiness for the immediate commencement and early conclusion of negotiations in the Conference on Disarmament on a non-discriminatory, universal and internationally and effectively verifiable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, a goal contained in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament and as its second step, following the completion of the CTBT negotiations.

6. Such a treaty will cap the fissile material stockpiles available for use in nuclear weapons and, by adding new constraints, will strengthen the international nuclear non-proliferation regime and will constitute a significant step towards the eventual achievement of nuclear disarmament.

7. We encourage all States Parties to the NPT to fulfil this shared commitment set forth in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament. We also stress the importance for the States which are not yet parties to the NPT to join negotiations on a fissile material cut-off treaty in accordance with the 1995 statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein.

8. In connection with our determined pursuit of systematic and progressive efforts to reduce nuclear weapons globally, we welcome

- the agreements reached in New York in September 1997 between the Russian Federation and the United States of America with a view to facilitating the entry into force of the second Strategic Arms Reduction Treaty and the subsequent negotiation of a third Strategic Arms Reduction Treaty;

- related steps to place under IAEA verification as soon as practicable fissile material withdrawn from weapons programmes by the nuclear weapon States concerned in the process of nuclear weapons reductions and designated by those States as no longer required for their defence purposes and to identify appropriate strategies for the management of such material, with a view to making the process of nuclear reduction irreversible; and, in this context, the trilateral initiative involving the Russian Federation, the United States and the IAEA, to address technical, financial and legal aspects of the application of IAEA verification to weapons-origin fissile material;

- the other steps being taken by us in this area.

9. We also welcome and encourage overall progress towards general and complete disarmament, as provided for in Article VI of the NPT, for which all States Parties share responsibility.

10. We emphasise the importance of the faithful adherence of all States Parties to their respective non-proliferation obligations under the NPT and Nuclear-Weapon-Free Zone Treaties. We reaffirm our conviction that the establishment of nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the regions concerned, enhances global and regional peace and security. We recall the security assurances we have provided to the parties to these treaties which now number nearly 100 countries. Moreover, we are working with the signatories of the South East Asian Nuclear-Weapon-Free Zone Treaty to remove those obstacles currently preventing the nuclear weapon States from signing the Protocol to that Treaty. We supported the re-establishment of an Ad Hoc Committee on "Effective international arrangements to assure non-nuclear weapon States against the use or threat of use of nuclear weapons" in the Conference on Disarmament, as part of the decision adopted by the Conference on 26 March 1998.

11. We welcome the adoption on 15 May 1997 by the Board of Governors of the International Atomic Energy Agency of a Model Additional Protocol containing measures which, when implemented, will strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

12. We urge all States which have not yet done so to start early negotiations with the IAEA and to conclude their Additional Protocol negotiations in accordance with this model as soon as possible. We also note that at the IAEA's Board of Governors meeting in May 1997 all of us made commitments to negotiate Additional Protocols or other legally binding agreements incorporating those measures provided for in the Model Protocol that each of us has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol and as consistent with our obligations under Article I of the NPT.

13. We welcome the development and emphasise the importance of peaceful uses of nuclear energy which is used increasingly in many sectors of the economy, not just for the production of electricity but also for the improvement of the health and welfare of mankind.

14. Nuclear security is a fundamental issue. The acceptance by States of safeguards under Article III.1 of the NPT is a key requirement. The work of the Zangger Committee in setting guidelines for the implementation of Article III.2 of the NPT is also important. Moreover, both support the peaceful development of nuclear energy.

15. We remain determined to increase nuclear security and reinforce our joint efforts to prevent and combat illicit trafficking in nuclear materials. In this regard, we evaluate positively the implementation of the relevant decisions of the 1996 Moscow Summit.

16. We attach importance to the full implementation of Article IV of the NPT. In this context we reaffirm our commitment towards cooperation in the field of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty and following up the Decision on the Principles and Objectives for Nuclear Non-Proliferation and Disarmament.

17. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The Agency should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

18. We reaffirm the absolute necessity of nuclear safety and the need to pursue research to ensure ever greater safety in the future, including in the field of waste management in order to ensure that nuclear waste does not become a burden for future generations.

19. We emphasise the importance of transparency in the development of nuclear energy, particularly regarding safety.

20. In recognition of the value of the NPT to global security and conscious of our obligations under the Treaty, we will continue to work together for the success of the preparatory process and the 2000 Review Conference and on related issues.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/9
1 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

CLUSTER ONE

Working paper submitted by Japan

Some additional elements to be incorporated in the recommendations to the 2000 Review Conference

1. Transparency in fissile material for nuclear weapons

Bearing in mind the need to prevent disclosure of sensitive information in relation to the provisions of the NPT, appropriate measures could be considered that would promote the transparency in fissile materials for nuclear weapons or other nuclear explosive devices, with a view to enhancing the irreversibility of nuclear disarmament. As a first step towards that objective, measures should be pursued that would enhance the transparency in surplus fissile material for nuclear weapons and other nuclear explosive devices in parallel with a fissile material cut-off treaty.

2. START

Efforts should be made for the early commencement, upon entry into force of the START II agreement, and the early conclusion of negotiations for the START III agreement.

3. Nuclear disarmament by the other nuclear weapons States

In conjunction with the START process, the other nuclear weapon States should commit themselves, at very least, to not increasing their existing nuclear arsenals and to further intensifying their current efforts in reducing them.

4. Non-strategic(tactical)nuclear weapons

The nuclear weapon States are invited to consider possible measures to increase transparency of their non-strategic(tactical)nuclear weapons.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/10
4 May 1998

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Second session
Geneva, 27 April - 8 May 1998

Proposed language for inclusion in the
Report of the Preparatory Committee on its second session

Submitted by Canada

FMCT

The States Parties present at the PrepCom reaffirmed the value of an effective FMCT, in accordance with the Principles and Objectives. They strongly urge an immediate commencement to and early conclusion of negotiations in the Conference on Disarmament on that basis.

CTBT

The States Parties present at the PrepCom affirmed their view that, in accordance with Article XIV, paragraph 2, of the CTBT, the political conference provided for by that Article should be convened for the first time in 1999.

GE.98-61079

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on The Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/11
4 May 1998

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Geneva, 27 April - 8 May 1998

Text on nuclear disarmament for the rolling-text

Submitted by Australia

The nuclear weapon states reaffirm their commitment to fulfil with determination their obligations under Article VI, and undertake to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In this context, the nuclear weapon states parties declare unequivocally their commitment to the ultimate elimination of nuclear weapons and to that end agree to pursue vigorously systematic and progressive efforts to further reduce nuclear weapons globally.

All States parties to the Treaty agree that the achievement of the following measures are important practical and immediate steps towards the achievement of the goal of full realization and effective implementation of Article VI:

(a) The immediate commencement and early conclusion of negotiations within an appropriate ad hoc committee in the Conference on Disarmament for a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, as an essential measure of nuclear disarmament as well as non-proliferation of nuclear weapons in accordance with the 1995 report of the Special Coordinator on that item and taking into account views relating to the scope of the Treaty. The Treaty should be non-discriminatory, effectively verifiable and universally applicable.

(b) The early signature and ratification of the Comprehensive Nuclear-Test Ban Treaty by all States. Pending the entry into force of a Comprehensive Test-Ban Treaty, all States should act so as not to defeat the objects and purpose of the Treaty, and states signatories should continue with vigour their efforts to build up the Treaty's institutional fabric at its headquarters in Vienna.

GE.98-61061

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on The Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/12
4 May 1998

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Second session
Geneva, 27 April - 8 May 1998

CLUSTER 1 ISSUES: ARTICLE VI OF THE NUCLEAR NON-PROLIFERATION TREATY

Working paper submitted by South Africa

South Africa submits the following decision and recommendations on Article VI issues to be considered and adopted at the second session of the Preparatory Committee for the year 2000 NPT Review Conference:

1. DECISION TO BE ADOPTED BY THE SECOND SESSION OF THE 2000 NPT REVIEW CONFERENCE PREPARATORY COMMITTEE.

This Preparatory Committee agrees that at its third session, specific time will be made available for Article VI (nuclear disarmament and general and complete disarmament) issues, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives decision adopted at the 1995 NPT Review and Extension Conference. The purpose of these deliberations would be to provide:

- The nuclear weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;

- The non-nuclear weapon States with an opportunity to engage the nuclear weapon States as to "the practical steps and systematic and progressive efforts" which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;

- The opportunity for the international community, as represented by the NPT parties, to jointly support or assist initiatives undertaken or agreements achieved; and

- Thereby to allow each of the NPT States Parties, non-nuclear-weapon States and nuclear-weapon States alike, to fulfil Article VI's provision that its obligations apply to each of the parties to the Treaty.

This practice would also allow the Preparatory Committee to begin identifying the measures to achieve what is termed complete and general disarmament under strict and effective international control.

2. RECOMMENDATION FOR A DECISION TO BE IMPLEMENTED AT THE 2000 NPT REVIEW CONFERENCE AND AT FUTURE REVIEW CONFERENCES.

It is recommended that the 2000 NPT Review Conference should decide to establish a subsidiary body to Committee 1 at the 2000 NPT Review Conference for Article VI (nuclear disarmament and general and complete disarmament) issues, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives decision adopted at the 1995 NPT Review and Extension Conference. Future Review Conferences should decide to establish the same subsidiary body pending the full realisation of Article VI of the Treaty. The purpose of these deliberations would be to provide:

- The nuclear weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;

- The non-nuclear weapon States with an opportunity to engage the nuclear weapon States as to "the practical steps and systematic and progressive efforts" which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;

- The opportunity for the international community, as represented by the NPT parties, to jointly support or assist initiatives undertaken or agreements achieved; and

- Thereby to allow each of the NPT States Parties, non-nuclear-weapon states and nuclear-weapon states alike, to fulfil Article VI's provision that its obligations apply to each of the parties to the Treaty.

This practice would allow the Review Conference to continue work in identifying the measures to achieve what is termed general and complete disarmament under strict and effective international control.

3. RECOMMENDATION FOR A DECISION TO BE ADOPTED AT THE 2000 NPT REVIEW CONFERENCE FOR IMPLEMENTATION AT FUTURE MEETINGS OF THE NPT PREPARATORY COMMITTEE.

It is recommended that the 2000 NPT Review Conference should decide that Preparatory Committees for future Review Conferences shall make specific time available for Article VI (nuclear disarmament and general and complete disarmament) issues pending the full realisation of Article VI, so as to provide a structured opportunity to deliberate on the practical steps for systematic and progressive efforts to eliminate nuclear weapons which were envisaged in the Principles and Objectives

decision adopted at the 1995 NPT Review and Extension Conference. The purpose of these deliberations would be to provide:

- The nuclear weapon States with an opportunity to brief the Treaty parties on the steps which they have undertaken and are undertaking in this regard;

- The non-nuclear weapon States with an opportunity to engage the nuclear weapon States as to "the practical steps and systematic and progressive efforts" which have been identified and which could be undertaken unilaterally, as a result of bilateral or plurilateral negotiations, or multilaterally;

- The opportunity for the international community, as represented by the NPT parties, to jointly support or assist initiatives undertaken or agreements achieved; and

- Thereby to allow each of the NPT States Parties, non-nuclear-weapon states and nuclear-weapon states alike, to fulfil Article VI's provision that its obligations apply to each of the parties to the Treaty.

This practice would also allow the Preparatory Committee to begin identifying measures to achieve what is termed complete and general disarmament under strict and effective international control.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/13
4 May 1998

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Second session
Geneva, 27 April - 8 May 1998

NUCLEAR-WEAPON-FREE ZONES

Language to be included in the Chairman's Working Paper
(to replace New Zealand text in Annex II (paragraph 4) of NPT/CONF.2000/PC.I/32)

Submitted by New Zealand

1 The states parties reaffirm their conviction that nuclear weapon free zones are important disarmament measures which enhance regional and global peace and security, greatly strengthen the international non-proliferation regime in all its aspects and contribute to the objective of securing a world entirely free of nuclear weapons **[unchanged]**.

2 The states parties welcome the conclusion since 1995 of two further nuclear weapon free zone treaties (the treaties of Pelindaba and Bangkok).**[delete reference to recent EIF of the latter]**

3 The states parties reaffirm the importance of the cooperation of all the nuclear weapon states and their support for the relevant protocols to the treaties. In this context they welcome the signature by all nuclear weapon states of the Protocols to the Treaty of Rarotonga **and the fact that the Protocols have now been ratified by four nuclear weapon states. The states parties look forward to the timely ratification of those Protocols by the fifth nuclear weapon state.**

4 The states parties welcome the consultation which is currently underway between the nuclear weapon states and the South East Asian states in relation to the Protocols to the Treaty of Bangkok and urge those states to make every effort to resolve the remaining differences in order to facilitate adherence to the Protocols. **[unchanged]**

Note: New language in bold

GE.98-61091

5 The states parties welcome the intention of states parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to promote the common goals envisaged in those treaties, and to explore and implement further ways and means of cooperation. [unchanged]

6 The states parties support the initiatives being taken by states parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to explore and implement further ways and means of cooperation, in order to promote the common goals of those treaties.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/14
4 May 1998

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Proposed language for inclusion in the
Report of the Preparatory Committee on its second session

Submitted by Canada

The Committee noted the continuing risks to international peace and security by nuclear proliferation and re-emphasized the urgency and importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities. States parties renewed their commitments to make determined efforts to achieve this goal. They also supported proposals to establish nuclear-weapon-free zones in parts of the world where they do not exist, such as the Middle East and South Asia, on the basis of arrangements freely arrived at among the States of the regions concerned as a measure towards the strengthening of the nuclear non-proliferation regime and to realizing the objectives of nuclear disarmament.

GE.98-61097

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on The Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/15
4 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

CLUSTER ONE

Working paper submitted by Finland

Nuclear Disarmament

Finland introduced a proposal on increased transparency of tactical nuclear weapons in the Chairman's paper of the first Preparatory Committee session (page 19 of the Preparatory Committee report). In the light of several encouraging developments since then and the comments received, we consider it appropriate to revise our proposal with a slightly broader text* as follows:

The States parties

- underline the vital importance of the announcements by the United States and the Russian Federation that they would unilaterally implement reductions in their non-strategic nuclear weapons, and the follow-on to these announcements, which contributes to positive international climate and increased security of all States parties,

- welcome, in these context, the joint statement on parameters on future reductions in nuclear forces issued in Helsinki on 21 March 1997,

- recognize the value of increased openness achieved through the information provided by the nuclear weapons states in the course of the NPT review process on steps they have taken or are taking in nuclear disarmament,

- support the objective of increased transparency regarding withdrawal from operational use and dismantlement of short-range nuclear weapons in the context of the Preparatory Committee recommendations on nuclear weapons.

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* Replaces old text on page 19 (first dot) in the report of the Preparatory Committee on its first session (NPT/CONF.2000/PC.I/32).

Preparatory Committee for the 2000 Review Conference of the Parties the Treaty on The Non-Proliferation of Nuclear Weapons

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4 May 1998

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Second session
Geneva, 27 April - 8 May 1998

Proposed language for inclusion in the
Report of the Preparatory Committee on its second session

Submitted by Canada

Safeguards

At the second session of the Preparatory Committee the Committee noted the support of States parties present for early conclusion by all states with NPT-type Safeguards Agreements of Additional Protocols to their respective Safeguards Agreement, and urged that the maximum possible number of such agreements be concluded by the 2000 NPT Review Conference.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/17
4 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

POSSIBLE PRODUCTS OF THE NPT'S STRENGTHENED REVIEW PROCESS: (A) THE PREPARATORY COMMITTEE (B) THE 2000 REVIEW CONFERENCE

Working paper submitted by South Africa

1. INTRODUCTION

The functions of the Nuclear Non-Proliferation Treaty's (NPT) Preparatory Committee and Review Conference within the strengthened review process adopted at the 1995 NPT Review and Extension Conference (NPTREC) are clearly defined:

The function of the Preparatory Committee, as defined in paragraph 4 of NPT/CONF.1995/32/DEC.1, is twofold:

(a) "... to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review conference. These include those identified in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995."

(b) "... make the procedural preparations for the next Review Conference."

The function of the Review Conference, as defined in paragraph 7 of NPT/CONF.1995/32/DEC.1, is threefold:

(a) "... should look ... back. They should evaluate the results of the period they are reviewing, including the implementation of the undertakings of the States Parties

under the Treaty ..."

(b) "... should look forward ..., and identify the areas in which and the means through which, further progress should be sought in the future."

(c) "... address specifically what might be done to strengthen the implementation of Treaty and to achieve its universality."

2. THE PREPARATORY COMMITTEE

Given the abovementioned functions of the NPT's Preparatory Committee within the strengthened review process, the PrepCom should focus on producing three documents, which could have annexures:

(a) Document 1 : Recommendations on principles, objectives and ways aimed at the full implementation of the Treaty, as well as its universality. This document would follow the same format and structure as the 1995 Principles and Objectives, developing those elements upon which the PrepCom is able to reach agreement. This document would form the basis for further negotiation and refinement at the Review Conference, and would also form the basis for a set of 2000 Principles and Objectives. A set of 2000 Principles and Objectives should not replace or be a renegotiation of the 1995 Principles and Objectives, an approach which would have the potential for weakening the achievements reached in 1995, but would rather be in addition to the1995 agreement.

Important factors to keep under consideration when working on the PrepCom's recommendations to the Review Conference are that the 1995 Principles and Objectives:

- Firstly, cover the full range of the provisions and obligations of the NPT. The document is accordingly divided into 8 sections: A Preamble, Universality, Non-proliferation, Nuclear disarmament, Nuclear-weapon-free zones, Security assurances, Safeguards, and Peaceful uses of nuclear energy.

- Secondly, contains two different types of provisions: (i) Statements of general or continuing principle which it was envisaged would be relevant at the time of adoption as well as into the future, and (ii) statements of objectives which identify certain specific goals which should be striven for in the period until the next Review Conference. While differing in nature, both types of provision are intended to set realizable targets which can be reported upon, measured and evaluated.

The primary area of attention of the PrepCom should be to consider and develop updated statements of objectives and ways which identify certain specific goals which

should be striven for in the period until the Review Conference in 2005. While the language of the general or continuing principle elements of the 1995 Principles and Objectives could be strengthened or tightened, those elements which remain of continuing validity could be duplicated.

(b) Document 2 : Recommendations on specific proposals or initiatives upon which agreement could not be reached and which could be considered further by the Review Conference. Possible recommendations (eliminating duplication) which could be developed here are steps envisaged by the Principles and Objectives or in the Resolution on the Middle East, but might also include new initiatives launched during the preparatory process.

(c) Document 3 : The procedural arrangements for the Review Conference, including annexures on such issues as the rules of procedure, financial arrangements, etc.

3. THE REVIEW CONFERENCE

Given the abovementioned functions of the NPT's Review Conference within the strengthened review process, the Review Conference should be focused on producing two documents:

(a) Document 1 : A 2000 Principles and Objectives which would be negotiated on the basis of the recommendations prepared by the PrepCom and on inputs received at the Review Conference. The document should look forward and identify the areas in which and the means through which further progress should be sought in the full implementation of the Treaty in the future, with specific reference to the next review period. The document should also address specifically what might be done to strengthen the implementation of Treaty and to achieve its universality.

Owing to the nature of the document (i.e. setting the agenda for the implementation of the Treaty) it will be necessary that a consensus should exist on its content and adoption at the Review Conference. The nature of the document also dictates that it should be relatively concise.

(b) Document 2 : A Final Declaration which should should look back over the period under review, evaluating the results of the period they are reviewing, including the implementation of the undertakings of the States Parties under the Treaty.

Owing to the nature of this document and given the differences of interpretation which might exist on issues under review (as has been demonstrated at previous Review Conferences) it will be necessary for a consensus to exist on its adoption, but not necessarily on its content. In areas where it may prove to be impossible to reach agreement on an issue under review the document could contain statements reflecting the differences in interpretation or understanding.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/18
5 May 1998

ENGLISH
Original: ENGLISH/RUSSIAN

Second session
Geneva, 27 April - 8 May 1998

LETTER DATED 4 MAY 1998 FROM THE HEAD OF THE DELEGATION OF UZBEKISTAN ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

I have the honour to transmit to you, on behalf of the delegations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and my own, the attached statement.

I would be grateful if the necessary arrangements could be made for its distribution as a document of the Preparatory Committee.

(Signed) Alla Karimova
Deputy Head of the Department
of Political Analysis and Prognosis
Ministry of Foreign Affairs

GE.98-61135 (E)

CLUSTER TWO

Working paper submitted by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

Proposed elements for inclusion in the report of the Preparatory Committee on its second session

1. Since the holding of the 1995 Conference, the international community has paid growing attention to the establishment of nuclear-weapon-free zones in various parts of the world. The protocols to the Treaty of Rarotonga have now been signed by all the nuclear States. Substantial progress has been made in establishing a nuclear-weapon-free zone in Africa. The Bangkok Treaty on the establishment of a nuclear-weapon-free zone in South-East Asia entered into force on 27 March 1997.

2. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are unanimous in believing that the establishment of nuclear-weapon-free zones in various regions of the world on the basis of agreements freely concluded among the States of each region contributes substantially to nuclear disarmament and promotes the strengthening of peace and stability at the regional and global levels.

3. On the basis of the Almaty Declaration of 28 February 1997 and the statement issued in Tashkent by the Ministers for Foreign Affairs of the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan on 15 September 1997, and with a view to the application of the recommendations contained in decision 2 on "Principles and objectives for nuclear non-proliferation and disarmament" adopted by the 1995 NPT Review and Extension Conference, the Central Asian States firmly maintain their intention of establishing a nuclear-weapon-free zone in Central Asia.

4. The Preparatory Committee notes with satisfaction that on 9 December 1997 the United Nations General Assembly adopted by consensus resolution 52/38 S on the "Establishment of a nuclear-weapon-free zone in Central Asia". In the resolution the General Assembly, inter alia, called upon all States to support the initiative of the Central Asian States and requested the provision of assistance, within existing resources, in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia.

The Preparatory Committee welcomes the establishment of a regional group of experts under United Nations auspices.

5. The Preparatory Committee welcomes the tangible progress made by the Central Asian States in drawing up an agreement on the establishment of a nuclear-weapon-free zone in Central Asia, and the intention to hold a consultative meeting of the experts to examine the main elements of the agreement in Bishkek in July 1998.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/19
5 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

LETTER DATED 4 MAY 1998 FROM THE ALTERNATE LEADER OF THE DELEGATION OF MYANMAR ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

I have the honour to transmit to you, on behalf of the delegations of the ASEAN countries participating in the second session of the Preparatory Committee, namely, Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, Thailand, Viet Nam, and my own, the attached statement.

I would be grateful if the necessary arrangements could be made for its distribution as a document of the Preparatory Committee.

(Signed) U Mya Than
Alternate Leader
Delegation of Myanmar

GE.98-61141

Statement by the ASEAN countries on the South-East-Asia-Nuclear-Weapon-Free Zone Treaty

It is the conviction of the ASEAN countries that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States in the regions concerned and nuclear-weapon-free countries in various parts of the world constitutes an effective measure of limiting the geographic proliferation of nuclear weapons; enhances regional peace and security, and contributes to nuclear non-proliferation and disarmament.

In this respect, the ASEAN countries have taken a major step by establishing the South-East- Asia Nuclear-Weapon-Free Zone (SEANWFZ) through the conclusion of the SEANWFZ Treaty in Bangkok on 15 December 1995. The treaty has entered into force with effect from 27 March 1997. However, the Protocol to the Treaty is yet to be accepted and ratified by the nuclear weapon States.

The States parties and signatory of the Bangkok Treaty express their desire to see the Protocol to the SEANWFZ Treaty accepted and ratified by the nuclear weapon States and its entry into force at the earliest possible date. To this end, the States parties and signatory of the Bangkok Treaty urge the nuclear weapon States to show firm resolve and maximum flexibility and to work together with them in a spirit of amity and cooperation with a view to finding solutions to the remaining issues in the shortest possible time.

The ASEAN countries reaffirm their vision and conviction that entry into force of the SEANWFZ Treaty and, eventually, of its Protocol will make a significant contribution to the enhancement of regional and global peace and security, to the strengthening of the NPT regime and the advancement of nuclear disarmament, and to the achievement of the ultimate objective of creating a nuclear-weapon-free world.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF 2000/PC.II/20
5 May 1998

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Second session
Geneva, 27 April - 8 May 1998

CLUSTER THREE: PEACEFUL USES OF NUCLEAR ENERGY

Working paper submitted by Iran (Islamic Republic of)

Multilaterally negotiated guidelines on transfer of nuclear materials, equipment and technology

1. In accordance with Article III of the Non-Proliferation Treaty, the States Parties have undertaken not to provide source or special fissionable materials to Non-Nuclear Weapon States for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. In the middle of Seventies, a group of suppliers of nuclear material, technology and equipment could reach a common understanding on the definition of key terms in Article III of the Treaty and the conditions that would govern exports of such nuclear materials and equipment to Non-Nuclear Weapon States. The group, afterwards called as "Zangger Committee" is convening since then to coordinate the implementation of its non-legally binding decisions.

3. In parallel, a more limited group of suppliers gathered in London to establish guidelines for transfer of sensitive nuclear materials and equipment. The group developed guidelines on the nuclear transfer which was imposed unilaterally upon the developing countries. The imposition of these unilaterally restrictive measures had negative consequences upon the development of developing countries by impeding their access to the nuclear equipment, materials and technology for peaceful purposes.

4. The existing NSG guidelines do not constitute a legally-binding instrument and leave it open for the States Parties, the possibility of interpretation and application. The NSG members thus have not been able in practice to take unified position in implementing the guidelines. The supplier group has been constantly criticized for not distinguishing of any kind between the States Parties and Non-Parties to the NPT. In addition the Group has not considered the acceptance of full-scope safeguard and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices a necessary precondition for supply, as has been principally requested by the NPT Review Conferences as well as the declaration of Principles and Objectives.

5. Effective transfer guidelines should be developed through multilateral negotiations which could take place in the IAEA with the participation of all concerned states, suppliers and recipients, with full transparency and objectivity, based on the following principles:

a. The guidelines should not impede in any way the peaceful use of nuclear energy but to promote international cooperation to ensure the transfer of nuclear materials, equipment and technology for peaceful purposes.

b. The guidelines should clearly and practically differentiate between the transfers to the NPT States Parties and Non-Parties.

c. The guidelines may contain a trigger list of nuclear materials and equipment, transfers of which require an end-user certificate. The recipients could be requested to state in the end-user certificate the followings:

I. That the materials and equipment shall be subject to IAEA safeguards;

II. That the items will not be retransferred without receiving authorization from the supplier;

III. The destination of the transfers (including name and address);

IV. The quantities and characteristics of the transferred items.

Recommendations for inclusion in the Chairman paper, section on peaceful uses of nuclear energy

1. The States parties note with concern that application of unilaterally enforced export control regime has hampered access of the developing countries to the nuclear materials, equipment and technology for peaceful purposes. They fully recognize the right of all States Parties particularly the developing countries to enjoy the unrestricted access to nuclear materials and equipment for peaceful purposes.

2. The States Parties recognize that effective transfer guidelines should be developed through multilateral negotiations, which could take place in the IAEA, with the participation of all concerned states, suppliers and recipients. In the meantime they reaffirm that transparency in the proceedings and decision-making of the nuclear-related export control regimes should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty. The States Parties therefor call upon countries members to the Nuclear Supplier Group to take practical steps to fulfill this task.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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5 May 1998

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CLUSTER THREE: PEACEFUL USES OF NUCLEAR ENERGY

Working paper submitted by Iran (Islamic Republic of)

Prohibition of attacks against safeguarded nuclear facilities Recommendations for inclusion in the Chairman's paper

The States parties reaffirm that attacks or threat of attack against nuclear facilities devoted to peaceful purposes jeopardize the development and further promotion of the peaceful uses of nuclear energy and therefore the achievement of one of the main objectives of the Non-Proliferation Treaty. Such attacks could result in radioactive release with grave environmental consequences within and beyond the boundaries of the State which has been attacked.

The Conference emphasizes that attacks or threat of attacks against nuclear facilities should be prevented and prohibited. The Conference therefore urges States parties to make every effort, individually and within competent international fora particularly IAEA, to take necessary measures to prohibit such attacks against safeguarded nuclear facilities, inter alia, through adoption of an international legally-binding instrument to that effect.

Any armed attack and threat of attack against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the UN Charter, international law and the Statute of the IAEA. An armed attack or threat of attack against such nuclear installations, in operation or under construction, would create a situation in which the UN members would have to act jointly and immediately in accordance with the provisions of the Charter.

GE.98-61153

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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THE RESOLUTION ON THE MIDDLE EAST

Working paper submitted by Egypt

Operative paragraph 1:

> "*Endorses* the aims and objectives of the Middle East Peace process and recognizes that efforts in this regard as well as other efforts contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;"

This paragraph recognizes that, in addition to the Middle East Peace process, "other efforts" also contribute to a Middle East NWFZ or WMDFZ. It remains for the prepcom to identify specifically what is meant by "other efforts" and to encourage States to contribute to such efforts. The Prepcom should thus recommend that agreement be reached on an agenda containing various items, including: the study of the nuclear status of the region; the elimination of all weapons of mass destruction, including nuclear, chemical and biological; and other items related to arms control and disarmament as well as agreement on the lowest levels of armaments. Such efforts could also include, *inter alia*, workshops, seminars, conferences, etc. which are attended by the States of the region and which deal with relevant political as well as technical issues. These should result in agreement on a process of informal deliberations along the lines of the agenda proposed above. All of the above should be reflected in the report of the prepcom and in its recommendations to the 2000 Review Conference.

Operative paragraphs 2 & 3 & 4:

> "2.*Notes with satisfaction* that in its report Main Committee III of the Conference recommended that the Conference 'call on those remaining States not Parties to the Treaty to accede to it, thereby accepting an international legally

binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept international Atomic Energy Agency safeguards on all their nuclear activities';"

"3.*Notes with concern* the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-parties to the Treaty which operate unsafeguarded nuclear facilities to accept full scope safeguards;"

"4.*Reaffirms* the importance of the early realization of universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, and *calls upon* all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards;"

Bearing in mind that Israel is now the only State in the Middle East which has not yet acceded to the NPT, not accepted any international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and not accepted full scope safeguards on all its nuclear facilities, the prepcom must include in its report a strong recommendation to the 2000 Review Conference requesting Israel to accede to the NPT immediately and to place all its nuclear facilities under full scope IAEA safeguards.

Operative paragraph 5:

"*Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards , *inter alia*, the establishment of an effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;"

The "practical steps" referred to in paragraph 5 above, in Egypt's view, include the following:

- the early conclusion of the text of a treaty on a NWFZ as a step towards the establishment of a WMDFZ in the Middle East

- requesting, for the aforementioned purpose, the assistance of international organizations such as the United Nations and the International Atomic Energy Agency. Such assisstance could include, *inter alia*, the dispatching of a special envoy to the Middle East with the task of assissting the States of the region in their endeavors to reach the objective of a nuclear weapon free Middle East.

Operative paragraph 6:

> "*Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems."

The States parties to the NPT, and in particular the nuclear-weapon States should play an important role towards contributing to a Middle East as a zone free from nuclear and all other weapons of mass destruction. In application of paragraph 6 above, the prepcom should request States parties to the NPT, and in particular the nuclear-weapon States, to indicate at every prepcom, starting with the present one, and at the 2000 Review Conference, in what ways they were able "to extend their cooperation and to exert their utmost efforts with a view to ensuring the establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems".

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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5 May 1998

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THE 1995 RESOLUTION ON THE MIDDLE EAST

Working paper submitted by Bahrain*

The 1995 Review and Extension Conference of the States Parties of the Treaty on the Non-Proliferation of Nuclear-Weapons adopted a package consisting of three decisions and a resolution on the Middle East.

The members of the League of Arab States that are parties to the NPT have submitted a working paper on the resolution on the Middle East during the first session of the Preparatory Committee for the 2000 Review Conference held in New York, April 1997. The Arab States aim by presenting this new paper to reiterate their position pertaining to ways and means for ensuring the full implementation of the provisions of this resolution.

The adoption of a resolution Cosponsored by the three depository States on the Middle East by consensus, and the fact that it was the only resolution adopted by the 1995 Review and Extension Conference concerning a specific region is a clear expression by the States Parties of their concern over the seriousness of the situation in the Middle East resulting from the existence of an unsafeguarded Israeli nuclear facilities in the region and ambiguous nuclear policies endangering regional and international peace and security.

At the second session of the Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation

*On behalf of the Arab States.

of Nuclear Weapons, and in order to achieve the universality of the Treaty, there is an urgent need to assess the progress achieved in the Middle East with a view to adopting recommendations by the Preparatory Committee pertaining to the full implementation of the provisions of the said resolution.

Since May 1995, some specific positive developments have taken place and should be taken into consideration, these are:

1- All States of the Middle East have become parties to the Treaty except Israel; the only State in the region that is not yet a party to the Treaty and has not declared its intention to do so;

2- The continued adoption by consensus, for the eighteenth year in a row, of a resolution by the United Nations General Assembly calling for the Establishment of a Nuclear-Weapon-Free Zone in the region of the Middle East.

The overwhelming support for the resolution adopted by the United Nations General Assembly in its fifty second session entitled "The Risk of Nuclear Proliferation in the Middle East" (Resolution 52/41) calling upon Israel, the only state in the Middle East that is not yet party to the Treaty and has not declared its intention to do so, to accede to the Treaty without further delay, and not to develop, produce, test or otherwise acquire nuclear-weapons and to renounce possession of nuclear-weapons, and to place all its nuclear facilities under full-scope IAEA safeguards. This support reflects the increased concern of the international community resulting from the fact that Israel continues to defy repeated calls to accede to the NPT.

The readiness demonstrated by Arab Sates to take practical steps towards the establishment of an effectively verifiable Middle East Zone Free of Weapons of Mass Destruction: nuclear, chemical and biological, and to refrain from taking any measures that preclude the achievement of this objective in accordance with operative paragraph 5 of the 1995 resolution on the Middle East should not go unnoticed. On the other hand, Israel continues to prevent and avoid any discussion on this issue in all relevant fora.

Despite the fact that all Arab States are complying with the provisions of the Treaty as well as the 1995 resolution on the Middle East, it remains evident that their accession to the Treaty did not provide them with the necessary security requirements in the wake of the

continuing Israeli nuclear threat and its defiance to those repeated calls by refusing to accede to the NPT and to place all its nuclear facilities under the IAEA full scope safeguards.

It is therefore imperative that the Preparatory Committee address this important issue with a view to correcting the existing imbalance between the compliance by all Arab States with their obligations in accordance with the Treaty and the resolution on the Middle East on the one hand, against the risk imposed by Israel's unsafeguarded nuclear facilities to the whole region of the Middle East and its ambiguous nuclear policies. The second session of the preparatory committee should include in its report a solemn declaration to the 2000 Review Conference urging Israel to accede to the NPT without delay and to place all its nuclear facilities under IAEA safeguards.

All States Parties to the Treaty, and in particular the nuclear-weapon-States, have to shoulder their responsibilities, extend their cooperation, and exert their utmost efforts to achieve the full implementation of the said resolution. The role of the three depository States in fulfilling their primary responsibilities as cosponsors of the 1995 resolution on the Middle East is crucial in implementing faithfully and achieving the goals of the resolution on the Middle East. They are requested to indicate at every preparatory Committee and the 2000 Review Conference what measures they have taken to ensure the full implementation of the resolution and the realization of its objectives .

The nuclear-weapon-Sates, in conformity with their obligations under Article 1 of the Treaty, are requested to undertake not to transfer nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly to Israel, and further undertake not in any way to assist, encourage, or induce Israel to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices under any circumstances whatsoever.

All NPT States Parties, in conformity with the seventh preambular paragraph and Article 4 of the Treaty, hereby declare their commitment

to exclusively prohibit the transfer of all nuclear related equipment, information, material and facilities, resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

The Arab States reaffirm once again, their determination to exert their utmost efforts with a view to ensuring the early establishment in the Middle East of a Zone Free of Nuclear Weapons as an important step towards the realization of a Zone Free of all Weapons of Mass Destruction. All States Parties to the Treaty, and in particular the nuclear-weapon-States, have to extend their cooperation to achieve the full implementation of the resolution on the Middle East. The second session of the preparatory committee should include in its report a solemn declaration to the 2000 Review Conference urging Israel to accede to the NPT without delay and to place all its nuclear facilities under IAEA safeguards.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.2000/PC.II/24
6 May 1998

ORIGINAL: ENGLISH

Second session
Geneva, 27 April - 8 May 1998

LETTER DATED 4 MAY 1998 FROM THE DEPUTY HEAD OF THE DELEGATION OF POLAND ADDRESSED TO THE CHAIRMAN OF THE PREPARATORY COMMITTEE

I have the honour to transmit to you, on behalf of the delegations of Bulgaria, Croatia, the Czech Republic, Hungary, Romania, Slovakia, Slovenia and my own, the attached statement.

I would be grateful if the necessary arrangements could be made for its distribution as a document of the Preparatory Committee.

Henryk K. Pac
Deputy Head of the
Polish Delegation

GE.98-61191

STATEMENT BY THE DELEGATIONS OF BULGARIA, CROATIA, THE CZECH REPUBLIC, HUNGARY, POLAND, ROMANIA, SLOVAKIA AND SLOVENIA

We are of the view that the establishment of internationally recognized nuclear-weapon-free zones, with due regard to the specific characteristics of each region and on the basis of arrangements freely arrived at by the States of the region concerned, can play an important role in promoting regional and global peace and security. We therefore, welcome the Treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba as well as the Almaty Declaration on the creation of a nuclear-weapon-free zone in Central Asia and recognize them as important complementary instruments to the Treaty on the Non-Proliferation of Nuclear Weapons.

At the same time, we strongly believe that the establishment of NFZ must not interfere with existing - or evolving - security arrangements to the detriment of regional and international security, or otherwise adversely affect the inalienable right to individual or collective self-defence guaranteed under the UN Charter.

In this connection, we consider that - while interesting in itself - the concept of a nuclear weapon-free zone in Central and Eastern Europe promoted by Belarus is incompatible with our sovereign resolve to contribute to, and benefit from, the new European security architecture, one that is based, *inter alia*, upon the principles of democracy, civilian control over the military, good-neighbourly relations as well as cooperation with and accession to the Euro-Atlantic structures, including the North Atlantic Treaty Organization and the European Union.

For our respective peoples and Governments their efforts to promote European security and stability inherently associate with the on-going, complex and lengthy process of political and military integration with these structures.

In view of the foregoing and pending the achievement of this process, we do not consider the idea of a nuclear-weapon-free zone/space in Central and Eastern Europe timely and deem its practical consideration premature.

Without prejudice to the possible future relevance of the proposal, we consider that the most appropriate way to enhance stability and security in Central and Eastern Europe at the close of the twentieth century is to build a new security architecture based on co-operation, shared values and without creating new dividing lines.

Preparatory Committee for the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF 2000/PC II/25
6 May 1998

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Second session
Geneva, 27 April - 8 May 1998

Proposed language for inclusion in the
Report of the Preparatory Committee on its second session

Submitted by Canada

"[At the second session of the Preparatory Committee], the Committee noted that State Parties reaffirm their commitment to international cooperation in the peaceful and safe uses of nuclear energy, taking into account their non-proliferation obligations and the inalienable rights of States wishing to partake in the developmental benefits of nuclear energy."

GE.98-61197